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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,412	12/20/2001	Goh Matsubara	914-148	4918

7590 08/23/2005

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EXAMINER

POWERS, WILLIAM S

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,412

Applicant(s)

MATSUBARA ET AL.

Examiner

William S. Powers

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/20/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,8,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,3,4,6,7,9,10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/022,412.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/11/2005</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informality: there is no preposition after "unit" and before "discharge" in line 3 of claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,715,169 to Noguchi in view of U.S. Patent No. 6,114,836 to Hagiwara et al. (hereto referred to as Hagiwara).

As to claim 1, Noguchi teaches:

A software rental cartridge (column 4, lines 45-48 and Figure 5, reference number 100), which is the recording medium.

The use of a battery in said software rental cartridge (column 5, lines 62-67).

The use of a control unit to control the operation of said software rental cartridge (column 4, lines 56-59).

Noguchi further teaches a power source monitor section (column 10, lines 3-10), but does not expressly mention the use of a discharge unit or a voltage meter unit.

Hagiwara teaches a power source controller that uses a discharger and voltmeter to manage and monitor the battery unit for a portable electronic apparatus (column 9, lines 15-20) in order to control the operation of the electronic apparatus and monitor the remaining energy in the battery.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Noguchi with the discharger and voltmeter of Hagiwara in order to control the operation of the electronic apparatus and monitor the remaining energy in the battery.

As to claim 5, Noguchi teaches a software rental apparatus with a control unit (column 3, lines 31-35) that provides electric power to said software rental cartridge's (column 4, lines 36-41) chargeable battery (column 5, lines 62-65) and sets a counter in said software rental cartridge that stores the length of the rental contract (column 4, line 66-column 5, line 8).

As to claim 8, Noguchi teaches the use of battery power to control the rental contract of the software rental cartridge (column 10, lines 3-36), but does not expressly mention the use of predetermined voltage values that disable the rented medium.

Hagiwara teaches low voltage detection of the battery and if the voltage falls below a prescribed lower limit the unit will alert the user and power down in order to prevent the loss of data that is stored in volatile memory (column 8, lines 23-52).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Noguchi with the low voltage detection of the battery of Hagiwara in order to prevent the loss of data that is stored in volatile memory (column 8, lines 23-52) and, in the powered down state, prevent access to any stored data.

As to claim 11, Noguchi teaches a power source monitor that monitors the power source of the software rental cartridge (column 10, lines 3-10), but does not expressly mention the use of discharge amount control unit.

Hagiwara teaches the use of a power source controller that controls the charging and discharging of the battery in order to detect the low-battery state (column 8, lines 19-22).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Noguchi with the power source controller that controls the charging and discharging of the battery in order to detect the low-battery state (column 8, lines 19-22).

As to claim 12, Noguchi teaches the use of a battery in said software rental cartridge (column 5, lines 62-67).

***Allowable Subject Matter***

3. Claims 2-4, 6, 7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2, Noguchi teaches a chargeable battery in a software rental cartridge that is charged through a power supply contact with a software rental apparatus (column 6, lines 1-5). Noguchi does not teach the authentication of the software rental apparatus.

Smith, U.S. Patent No. 5,717,374, teaches the authorization of a battery charging station, through a central controller, to charge batteries (column 4, lines 3-18). The authorization ensures that the consumer has the ability to pay for the charging service (column 4, lines 7-10) and monitors and records the energy efficiency and/or abnormalities of the batteries (column 7, lines 28-34).

However, no reference could be found in which there was mentioned a charge permit unit for a software rental cartridge.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,769,765 to Green discloses a control system with a rechargeable battery that disables a rented device at the end of the rental term.

U.S. Patent No. 5,898,778 to Antonini discloses a rented software cartridge.

U.S. Patent No. 5,717,374 to Smith discloses an authorization system for recharging rented electric car batteries.

U.S. Patent No. 6,912,528 to Homer discloses a rechargeable media distribution system.

U.S. Patent No. 5,596,567 to deMuro et al. discloses a battery charging system.

U.S. Patent No. 5,604,708 to Helms et al. discloses a method of preserving a backup battery.

U.S. Patent No. 6,157,315 to Kukubo et al. discloses a rental system for electric vehicles and batteries.

U.S. Patent No. 5,694,019 to Uchida et al. discloses a battery rental/charging apparatus.

U.S. Patent No. 5,912,548 to Downs et al. discloses a battery monitoring system.

U.S. Patent No. 6,218,809 to Downs et al. discloses a method of monitoring rechargeable battery parameters.

U.S. Patent No. 5,349,282 to McClure discloses a system for battery charging and monitoring.

U.S. Patent No. 5,349,535 to Gupta discloses a battery monitoring and recording system.

U.S. Patent No. 5,279,700 to Retti discloses a rental system that disables the electric supply to the rental equipment once rental term has expired.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers, whose telephone number is (571) 272-8573. The examiner can normally be reached Monday-Thursday from 8 AM – 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (886) 217-9197 (toll-free).

  
WSP

August 12, 2005

  
GREGORY MORSE  
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